

AB:MD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

20-622 M

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(26 U.S.C. §§ 5861(d) and 5871)

EDISON HERNANDEZ,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL SLAVKOVSKY, being duly sworn, deposes and states that he is a Postal Inspector with the United States Postal Inspection Service, duly appointed according to law and acting as such.

On or about July 31, 2020, within the Eastern District of New York and elsewhere, the defendant EDISON HERNANDEZ did knowingly and intentionally receive and possess a firearm, to wit: a firearm silencer, required to be registered with the National Firearms Registration and Transfer Record, that was not registered to him.

(Title 26, United States Code, Sections 5861(d) and 5871)

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Postal Inspector with the United States Postal Inspection Service (“USPIS”) and have been for over seven years. I am currently assigned to the Dark Web / Cryptocurrency Task Force with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”). Through my training and experience, I am familiar with the National Firearms Act and investigations involving the transportation and possession of firearms, illicit electronic commerce, and the use of the mails to transport contraband. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant’s criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about July 18, 2020, an international mail parcel with tracking number MAWB: 695-20741383 HAWB:8171816592 (the “Parcel”) arrived at Los Angeles International Airport from China. The Parcel was described on the manifest as “Filter,” and was part of a bulk cargo shipment which contained numerous other parcels, each of which were to be handled as domestic mail by the United States Postal Service (“USPS”) once in the United States.

3. The Parcel’s domestic mail label bore USPS tracking number 92748927005361010001537675 and was addressed to “Edison Hernandez, 620 Wilson Ave PMB69, Brooklyn, New York 11207,” with return address “Gely Yang, 5422 W Rosencrans Ave Hawthorne, Hawthorne, CA 90250.” The Parcel’s shipping label stated that it contained a “Car filter.”

4. Pursuant to the border search authority, a United States Customs and Border Protection agent examined the Parcel and determined that it contained an interior

black box, which in turn contained a firearm silencer. An examiner with the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”) examined photographs of the contents of the Parcel and determined that the item was, in fact, a firearm silencer of the type commonly shipped from China under the guise of a muffler, solvent trap, oil trap, or fuel filter. The ATF examiner concluded that this item was not a “Car filter,” as stated on the Parcel’s label.

5. Law enforcement agents placed a trip wire device inside of the Parcel prior to its delivery to its addressed destination.

6. The Parcel’s shipping address was the address of a certain private shipping and mailbox center (the “Wilson Avenue Mail Center”) that, among other things, sells the use of private mailboxes to customers. Specifically, the Parcel’s shipping address was “620 Wilson Ave PMB69,” which I understand to mean private mailbox number 69 within the Wilson Avenue Mail Center.

7. According to USPS records, private mailbox number 69 at the Wilson Avenue Mail Center is registered to HERNANDEZ and his brother, Irvin Hernandez.

8. According to law enforcement records, HERNANDEZ resides at 229 Cooper Street in Brooklyn, New York (the “Residence”). The Residence consists of a ground and first floor in a three-story building. The ground floor consists of a garage and an at-home gym; the living quarters are on the first floor. The Residence is within approximately 500 feet of the Wilson Avenue Mail Center.

9. On or about July 29, 2020, the Honorable Robert M. Levy signed an anticipatory search warrant authorizing the search of the premises at which the Parcel was opened or if one hour elapsed after the Parcel first entered its destination after pickup, whichever was sooner. See 20-MJ-587.

10. On or about the morning of July 31, 2020, Irvin Hernandez picked up the Parcel from the Wilson Avenue Mail Center and brought it to the Residence. The Parcel was subsequently opened at the Residence at approximately 5:25 p.m. on or about July 31, 2020, triggering the execution of the anticipatory search warrant.

11. Upon execution of the search warrant, HERNANDEZ was on first floor of the Residence. Irvin Hernandez was found on the ground floor. Law enforcement recovered the packaging and bubble wrap material that encased the Parcel from a trash can in the first floor office. The Parcel containing the firearm silencer was subsequently recovered on top of a shed in a neighboring backyard.

12. I have reviewed HERNANDEZ's criminal history and have determined that, on or about July 14, 1999, he was convicted of forgery in the second degree, a felony in violation of New York Penal Law Section 170.10(1). Accordingly, HERNANDEZ is prohibited from possessing a firearm pursuant to Title 18, United States Code, Section 922(g)(1).

13. I have reviewed the ATF's National Firearms Registration and Transfer Record, and HERNANDEZ is not registered to receive or possess a firearm silencer. Accordingly, HERNANDEZ is prohibited from receiving or possessing a firearm silencer pursuant to Title 26, United States Code, Section 5861(d). Indeed, the firearm silencer in the Parcel—which has no serial number—is not registered with the ATF at all. Accordingly, anyone who receives or possesses such firearm silencer would violate 26 U.S.C. § 5861(d).

WHEREFORE, your deponent respectfully requests that the defendant
EDISON HERNANDEZ be dealt with according to law.

Michael Slavkovsky by SMG with permission by phone

MICHAEL SLAVKOVSKY

Postal Inspector, United States Postal Inspection
Service

Sworn to before me by telephone this
__1__ day of August, 2020

Steven M. Gold

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK